

Proposal for a Regulation of the European Parliament and of the Council establishing an ecopoint system applicable to heavy goods vehicles travelling through Austria for the year 2004

(2002/C 103 E/18)

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(Submitted by the Commission on 21 December 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

(5) An ecopoint system should therefore be established for the year 2004,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

HAVE ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission,

Article 1

For the purposes of this Regulation the following definitions shall apply:

Having regard to the opinion of the Economic and Social Committee,

(a) vehicle — 'vehicle' as defined in Article 2 of Regulation (EEC) No 881/92 ⁽⁴⁾;

Having regard to the opinion of the Committee of the Regions,

(b) international carriage — 'international carriage' as defined in Article 2 of Regulation (EEC) No 881/92;

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

(c) transit traffic through Austria — traffic through Austrian territory from a point of departure to a point of arrival, both of which lie outside Austria;

Whereas:

(1) Article 11(2)(a) of Protocol 9 to the Act of Accession of the Republic of Austria to the European Union ⁽¹⁾ stipulates that the ecopoint system will lapse on 31 December 2003.

(d) lorry — all motor vehicles with a maximum authorised weight of more than 7.5 tonnes registered in a Member State and designed for the transport of freight and all trailer or semi-trailer combinations with a maximum authorised weight of more than 7.5 tonnes drawn by a motor vehicle with a maximum authorised vehicle weight not exceeding 7.5 tonnes registered in a Member State;

(2) Paragraph 58 of the conclusions of the Laeken European Council of 14 and 15 December 2001 requested that the ecopoint system be extended as a temporary solution. This extension is in keeping with policy on environmental protection in vulnerable areas such as the Alpine region.

(e) transit of goods by road through Austria — transit traffic of lorries through Austria, whether such vehicles are loaded or empty;

(3) This measure is required while waiting for the adoption of the framework proposal on charging for the use of infrastructure, as set out in the White Paper on European transport policy for 2010 ⁽²⁾.

(f) bilateral journeys — international journeys on routes carried out by a given vehicle where the point of departure or point of arrival is located in Austria and the respective point of arrival or point of departure is located in another Member State and where unloaded journeys are carried out in conjunction with these journeys.

(4) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, measures for the implementation of this Regulation should be adopted by use of the advisory procedure provided for in Article 3 of that Decision.

Article 2

This regulation shall apply to the carriage of goods by road on journeys carried out within the territory of the Community.

⁽¹⁾ OJ C 241, 29.8.1994.

⁽²⁾ COM(2001) 370 of 12 September 2001.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 95, 9.4.1992, p. 1.

Article 3

1. For journeys which involve transit of goods by road through Austria, the regime established for journeys on own account and for journeys for hire or reward under the First Council Directive of 23 July 1962 ⁽¹⁾ and Council Regulation (EEC) No 881/92 shall apply subject to the provisions of this Article.

2. From 1 January 2004 to 31 December 2004, the following provisions shall apply:

- (a) The total NOx emissions from lorries crossing Austria in transit shall be set according to the table in Annex 1.
- (b) The value of the total NOx emissions from lorries shall be set according to an ecopoint system. Under that system any lorry crossing Austria in transit shall require a number of ecopoints equivalent to its NOx emissions (authorised under the Conformity of Production (COP) value or type-approval value). The method of calculation and administration of such points is described in Annex 2.
- (c) Austria shall issue and make available in good time the ecopoint cards required for the administration of the ecopoint system, pursuant to Annex 2, for lorries crossing Austria in transit.
- (d) The ecopoints shall be distributed by the Commission among Member States in line with provisions to be established in accordance with paragraph 4.

3. If the framework proposal on charging for the use of infrastructure is not adopted by then, the terms of paragraph 2 will be extended for one further year and thereafter, if necessary, for a second year at most.

4. The Commission, acting in accordance with the procedure laid down in Article 5, shall adopt detailed measures concerning the procedures relating to the ecopoint system, the distribution of ecopoints and technical issues concerning the application of this Article.

Article 4

1. As long as the provisions of Article 3(2) apply, the Member States, under their mutual cooperation arrangements, shall take any necessary measures compatible with the EC Treaty against misuse of the ecopoint system.

2. Hauliers with a Community authorisation issued by the competent authorities in Austria shall not be entitled to carry goods on international journeys where neither loading nor unloading takes place in Austria. All such journeys involving transit through Austria shall, however, be subject to the provisions of Article 3.

3. To the extent necessary, any monitoring methods including electronic systems relating to the implementation of Article 3 shall be decided in accordance with the procedure laid down in Article 5.

Article 5

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. Where reference is made to this article, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

Article 6

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ 70, 6.8.1962, p. 2005/62.

ANNEX 1

referred to in Article 3(2)(a) of this Regulation

Year	Percentage of ecopoints	Ecopoints for EU-15
1991	100 %	23 306 580
2004	40 %	9 422 488

ANNEX 2

CALCULATION AND ADMINISTRATION OF ECOPOINTS**referred to in Article 3(2)(b) of this Regulation**

1. The following documents must be submitted by the driver of a lorry each time it crosses the Austrian border (in any direction):

- (a) a document showing the COP value for NO_x emissions from the vehicle in question;
- (b) a valid points card issued by the competent authority.

Concerning (a):

In the case of heavy goods vehicles registered after 1 October 1990, the document showing the COP value must be a certificate issued by the competent authority giving details of an official COP value for NO_x emissions or the type-approval certificate showing the date of approval and value established for type-approval purposes. In the latter case the COP value will be the type-approval value plus 10 %. Once such a value has been determined for a vehicle it cannot be changed during the vehicle's life.

In the case of vehicles registered before 1 October 1990 and vehicles for which no certificate is submitted, a COP value of 15,8 g/kWh will be set.

Concerning (b):

The points card contains a certain number of points and is endorsed as follows on the basis of the COP value for the vehicles in question:

- 1. Each g/kWh of NO_x, calculated according to paragraph 1a, counts as one point.
 - 2. NO_x emission values are rounded up to the next full point if the decimal is 0,5 or more, otherwise they are rounded down.
2. At three-month intervals the Commission, acting in compliance with the procedures laid down in Article 5, calculates the number of journeys and the average level of NO_x emission from lorries and maintains statistical records broken down according to nationality.
